



December 14, 2022

VIA EMAIL ONLY

Elizabeth G. Simpson  
Ian A. Mance  
Emancipate NC  
P.O. Box 309  
Durham, NC 27702

Re: *Irving v. City*; U.S. District Court (E.D.N.C.); 22-CV-68-BO

Dear Elizabeth and Ian:

Thank you for taking the time yesterday to meet with Dottie and me about the matters for examination in Emancipate NC's Notice of 30(b)(6) Deposition directed to the corporate representative of the Raleigh Police Department (the "Notice"). As we discussed, the City's position is the topics Emancipate NC identified are not appropriate for the current phase of discovery on the individual defendants' liability but rather, they are appropriate, if at all, for *Monell* discovery during the next phase of discovery. We understand your position to be the deposition is directed towards discovery regarding Plaintiffs' Second Claim, which you contend is a claim under § 1983 for declaratory and injunctive relief but is not based in any way on a *Monell*-theory of liability. We respectfully disagree with your legal conclusions regarding this claim and your rationale for conducting discovery contrary to the terms of the parties' agreement and the Court's scheduling order. Nonetheless, we are happy to consider any legal authority you are willing to share with us. We also remain available to talk with you about aligning the Notice and any deposition during Phase I with discovery on the individual claims.

You offered to withdraw the Notice, provided the Selective Enforcement Unit individual defendants withdrew the Notice of Rule 30(b)(6) Deposition and First Set of Interrogatories and Requests for Production of Documents that they directed to Emancipate NC. As we indicated, we obviously are not in position to make any stipulation as to those defendants as they are separately represented and face the requirements imposed in Phase 1. Additionally, we disagree with the suggestion that any defendant's ability to conduct discovery regarding Emancipate NC's standing—a jurisdictional requirement—is dependent upon Emancipate NC's ability to conduct on discovery on Plaintiffs' Second Claim.

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I am sorry we were unable to come to an agreement on this issue.

Sincerely,

/s/ Amy

Amy C. Petty  
Senior Associate City Attorney

cc: All Counsel of Record (VIA EMAIL ONLY)